



State of Utah

GARY R. HERBERT  
Governor

GREG BELL  
Lieutenant Governor

Department of  
Environmental Quality

Amanda Smith  
Executive Director

DIVISION OF WATER QUALITY  
Walter L. Baker, P.E.  
Director

**Water Quality Board**  
Paula Doughty, *Chair*  
Steve P. Simpson, *Vice-Chair*  
Myron E. Bateman  
Clyde L. Bunker  
Merritt K. Frey  
Darrell H. Mensel  
Leland J. Myers  
Neal L. Peacock  
Gregory L. Rowley  
Amanda Smith  
Daniel C. Snarr  
Jeffery L. Tucker  
Walter L. Baker  
*Executive Secretary*

**MINUTES**  
**UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**UTAH WATER QUALITY BOARD**  
DEQ Building Board Room #1015  
195 North 1950 West  
Salt Lake City, Utah 84116  
Wednesday, September 26, 2012

**UTAH WATER QUALITY BOARD MEMBERS PRESENT**

Myron Bateman	Clyde Bunker	Paula Doughty
Greg Rowley	Amanda Smith	Darrell Mensel
Steven Simpson	Dan Snarr	Merritt Frey
Leland Myers	Jeffery Tucker	

**DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT**

Walt Baker, Faye Bell, John Whitehead, Leah Ann Lamb, Carl Adams, Kari Lundeen, Beth Wondimu, John Mackey, Emily Cantón, David Snyder, Chris Bittner, Jeff Ostermiller, Toby Hooker and Judy Etherington

**OTHERS PRESENT**

<u>Name</u>	<u>Organization Representing</u>
Jim Olson	HDR Engineering
Lynn deFreitas	Friends of GSL
Joro Walker	Living Rivers
Paul McConkie	Attorney General's Office
Dan Hall	DWQ
Judy Fehys	Salt Lake Tribune
Karen Nichols	HDR Engineering
Amy O'Donoghue	Deseret News
Chris Hogle	US Oil Sands, Inc
Ben Machlus	US Oil Sands, Inc
Kimberlee McEwan	Attorney General's Office
Carl Adams	DWQ
Jeff Ostermiller	DWQ
Jason Gipson	US Army Corps of Engineers

Chair Doughty called the Board meeting to order at 9:35 a.m. and invited the members of the audience to introduce themselves.

### **APPROVAL OF MINUTES OF THE AUGUST 22, 2012 MEETING**

**Motion:**        **It was moved by Mr. Myers and seconded by Mr. Rowley to approve the minutes of the August 22, 2012. The motion was approved. With Ms. Frey and Mayor Snarr abstaining.**

**Executive Secretary's Report:** Mr. Baker told the Board that on Wednesday Aug. 29<sup>th</sup> there was a report of an oil spill at the Holly Frontier Refinery located in Woods Cross. Due to a fracture in a storage tank just east of the refinery, oil sprayed about a mile to the southeast in an initial 40 foot arc. The oil was very heavy and need to be maintained at 300 degrees to flow. Water got into the tank and turned to steam, causing increased pressure which blew out storage tank rivets and dispersed approximately 8,400 gallons of oil in the surrounding area, impacting area businesses, homes and residents. The spray coated lawns, cars, sidewalks and anything else in its path with oily material, which is classified as non-hazardous under federal environmental rules. The refinery provided cleanup crews to assist with all reported problems or impacts. Impacts on nearby surface waters were minimal.

WQ staff has been reworking the onsite system (R317-4) rules for two years. The Legislative Administrative Rules Review Committee asked for an update on this rule. Staff is conducting meetings with a broader stakeholder group before the proposed rule will be presented to the Board.

A meeting has been scheduled in October with governmental agencies involved with the investigation of *e-coli* contamination in the North Fork of the Virgin River near Zions National Park. Data indicate that the source of the problem is irrigation practices.

The terms of all members of the Water Quality Board will expire on February 28, 2013 and new appointments will become effective on March 1, 2013. Those current members of the Board that wish to apply for a position on the newly-constituted Board may do so by going to the "Boards and Commissions" web site and completing the application. The number of board members will be reduced from 12 to 9. The Department Director, Amanda Smith, will submit her recommendations for WQB appointments to the Governor's office by the end of December.

**Process Discussion with the Attorney General's Office on the ALJ's Recommendation on the PR Springs Appeal** –Ms. McEwan from the Attorney General's office addressed the Water Quality Board and outlined the procedure which will be followed in the matter of PR Spring Tar Sands Project, Ground Water Discharge Permit-By-Rule, No. WQ PR-11-001. When a matter is appealed to the Board, it is first referred to an administrative law judge to hold an adjudicative proceeding and then to prepare a recommended decision and order for consideration by the Board. The Board has the option of approving, approving with modification, disapproving the *Memorandum and Findings of Fact, Conclusions of Law, and Recommended Order*, or returning the proposed order to the administrative law judge for further actions. The adjudicative proceeding will be held on Wednesday October 24, 2012 in the MASOB Building, located at 195 North 1950 West, Room 1015 at 9:30 a.m.

### **RULEMAKING**

**Rulemaking on Jordan River TMDL – Phase 1 into R317-1-7** – Mr. Adams presented a request to adopt the Jordan River – Phase 1 TMDL by reference into administrative rule (R317-1-7). The proposed rule was published in the Utah State Bulletin August 1, 2012 and the comment period closed August 31, 2012. No comments were received on the proposed rule change.

**Motion:**        **It was moved by Mr. Myers to adopt changes to the Jordan River TMDL – Phase 1 into R317-1-7. The motion was seconded by Ms. Frey and was unanimously approved.**

**Next Meeting – October 24, 2012, 9:30 a.m.  
DEQ Building Board Room #1015  
195 North 1950 West  
Salt Lake City, Utah 84116**

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Paula Doughty, Chair  
Utah Water Quality Board